

July 15, 2020

VIA ECF

The Honorable Lorna G. Schofield
United States District Judge
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

Application GRANTED. Plaintiffs' deposition notices on Jo-Anne Rivet, Bohdan Kunyk and David Drago are hereby suspended pending resolution of this dispute.

Dated: July 16, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Re: *Nypl, et al. v. JPMorgan Chase & Co., et al.*, Case No. 1:15-cv-9300 (LGS)

Dear Judge Schofield:

We write on behalf of Defendants Bank of America Corporation and Bank of America, N.A. and JPMorgan Chase & Co. and JPMorgan Chase Bank, N.A. (collectively "Defendants") to respectfully request that this Court enter an Order suspending plaintiffs' notices of deposition of Defendants pending resolution of Defendant's request to quash these depositions ([ECF No. 583](#)).

On June 29, 2020, plaintiffs noticed depositions of three current and former employees of Defendants: (1) Jo-Anne E. Rivet, for July 14, 2020; (2) Bohdan Kunyk, for July 16, 2020; and (3) David C. Drago, for July 17, 2020. As explained in Defendants' July 14, 2020 pre-motion letter ([ECF No. 583](#)), all three notices were served in direct violation of the Stipulation and Order Concerning Deposition Coordination entered by this Court on March 18, 2019 ([ECF No. 425](#), hereinafter "Stipulated Deposition Order"). On July 2, 2020, and July 10, 2020, Defendants demanded plaintiffs withdraw these notices. Plaintiffs refused, and the parties met and conferred on July 13, 2020. Defendants reiterated their objections, informed plaintiffs they would not be attending the depositions, advised plaintiffs of their plan to raise the issue with the Court, and requested that plaintiffs suspend the depositions pending the Court's ruling. Plaintiffs refused, and insisted they would proceed with the depositions and would note any failure to appear. Even after Defendants filed their July 14 pre-motion letter ([ECF No. 583](#)), plaintiffs continue to refuse suspending the depositions and have served amended deposition notices, adding dial-in videoconference details.

Plaintiffs' insistence on re-noticing depositions for this week—before the Court can address Defendants' motion to enforce the Stipulated Deposition Order, which disallows those depositions—is wasteful and unabashedly designed to precipitate even more wasteful motion practice about defendants' purported "failure to appear." Much as we regret troubling the Court, Defendants are left with no choice but to respectfully request that this Court enter an order suspending the noticed depositions until the Court addresses Defendants' July 14 pre-motion letter ([ECF No. 583](#)).

Respectfully submitted,

Dated: New York, New York
July 15, 2020

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